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MONTANA LEGISLATIVE HISTORY

Chapter 354 1 2001

Bill H _____ S 187 Original bill & history ✓ C

H. Committee on Local Gov't.		S. Committee on Local Gov't.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/13	✓C	1/30	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 3/13	✓C	Out 2/8	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SB 187

1/04	First Reading		
1/04	Referred to Local Government		
1/05	Fiscal Note Requested		
1/10	Fiscal Note Received		
1/11	Fiscal Note Signed		
1/12	Fiscal Note Printed		
1/30	Hearing		
2/09	Committee Executive Action--Bill Passed as Amended	11	0
2/09	Committee Report--Bill Passed as Amended		
2/13	2nd Reading Passed on Voice Vote	50	0
2/14	3rd Reading Passed	50	0
	Transmitted to House		
3/01	Referred to Local Government		
3/13	Hearing		
3/14	Committee Executive Action--Bill Concurred	17	0
3/15	Committee Report--Bill Concurred		
4/05	2nd Reading Concurred	100	0
4/06	3rd Reading Concurred	98	2
	Returned to Senate		
4/07	Sent to Enrolling		
4/09	Returned from Enrolling		
4/10	Signed by President		
4/11	Signed by Speaker		
4/13	Transmitted to Governor		
4/23	Signed by Governor		
4/23	Chapter Number Assigned		
	Chapter Number 354		
	Effective Date: 10/01/2001 - All Sections		

SB 188 Introduced by Cobb *LC1150 Drafter: McClure*

Transfer School District's General Fund Balance into Misc. Programs Fund

1/04	Introduced		
1/04	First Reading		
1/04	Referred to Education and Cultural Resources		
1/05	Fiscal Note Requested		
1/12	Fiscal Note Received		
1/13	Fiscal Note Printed		
1/24	Hearing		
2/21	Tabled in Committee		
2/23	Missed Deadline for General Bill Transmittal		

SB 189 Introduced by McNutt *LC0401 Drafter: B. Campbell*

Revise Banking Laws

1/04	Introduced		
1/04	First Reading		
1/04	Referred to Business and Labor		
1/22	Hearing		
1/23	Committee Executive Action--Bill Passed as Amended	8	0
1/23	Committee Report--Bill Passed as Amended		
1/26	2nd Reading Passed on Voice Vote	49	0
1/27	3rd Reading Passed	42	0

Senate BILL NO. 187

INTRODUCED BY Cobb
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT STANDARDIZING THE PUBLIC NOTICE PROVISIONS FOR LOCAL GOVERNMENT UNITS; REQUIRING A LOCAL GOVERNMENT UNIT TO PUBLISH TWO NOTICES PRIOR TO A PUBLIC HEARING; ALLOWING A LOCAL GOVERNMENT UNIT TO PUBLISH A NOTICE ON A WEBSITE AS A SUPPLEMENT TO A NEWSPAPER PUBLICATION; AMENDING SECTIONS 7-1-2121, 7-1-4121, 7-1-4127, 7-1-4149, 7-2-2209, 7-2-2505, 7-2-2602, 7-2-4312, 7-2-4708, 7-2-4805, 7-3-604, 7-5-2502, 7-5-4202, 7-5-4302, 7-6-2316, 7-6-2320, 7-8-101, 7-8-2217, 7-8-2302, 7-12-1112, 7-12-2132, 7-12-4141, 7-12-4177, 7-12-4254, 7-12-4303, 7-12-4329, 7-12-4406, 7-12-4426, 7-12-4502, 7-12-4603, 7-13-107, 7-13-114, 7-13-126, 7-13-127, 7-13-145, 7-13-208, 7-13-232, 7-13-3005, 7-13-3021, 7-13-3023, 7-13-3028, 7-13-3043, 7-13-4507, 7-14-208, 7-14-244, 7-14-1102, 7-14-2403, 7-14-2616, 7-14-2822, 7-14-2902, 7-14-4114, 7-14-4712, 7-14-4732, 7-15-4215, 7-15-4263, 7-15-4404, 7-16-2442, 7-21-3305, 7-22-2212, 7-22-2232, 7-22-2406, 7-22-2408, 7-22-2446, 7-33-2102, 7-33-2125, 7-34-2162, 7-35-2112, 15-10-203, AND 75-2-215, MCA; AND REPEALING SECTIONS 7-1-4128, 7-2-2256, 7-12-2106, AND 7-12-4107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-1-2121, MCA, is amended to read:

"7-1-2121. Publication and content of notice -- proof of publication. Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the qualifications of subsections (2) and (3), except that in a county where no newspaper meets these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.

(2) The newspaper must be:

(a) of general paid circulation with a second-class mailing permit;

(b) published at least once a week; and

(c) published in the county where the hearing or other action will take place.

(3) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(4) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(5) The notice must be published twice, with at least 6 days separating each publication. ~~The first publication must be no more than 21 days prior to the action and the last no less than 3 days prior to the action.~~

(6) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring notice by publication.

(7) A published notice required by law may be supplemented by:

(a) a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107; or

(b) publication on the internet world wide web, popularly known as a "website", used by the local government unit.

(8) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice."

Section 2. Section 7-1-4121, MCA, is amended to read:

"7-1-4121. General definitions. As used in 7-1-4121 through 7-1-4127 and 7-1-4129 through 7-1-4149, unless otherwise provided, the following definitions apply:

(1) "Charter" means a written document defining the powers, structure, privileges, rights, and duties of the government and limitations ~~thereon~~ on the government.

(2) "Chief executive" means the elected executive in a government adopting the commission-executive form, the manager in a government adopting the commission-manager form, the

chairman in a government adopting the commission-chairman form, the town chairman in a government adopting the town meeting form, the commission acting as a body in a government adopting the commission form, or the officer or officers ~~so~~ designated in the charter in a government adopting a charter.

(3) "Elector" means a resident of the municipality qualified and registered to vote under state law.

(4) "Employee" means a person other than an officer who is employed by a municipality.

(5) "Executive branch" means that part of the municipality, including departments, offices, and boards, charged with implementing actions approved and administering policies adopted by the governing body of the local government or performing the duties required by law.

(6) "Governing body" means the commission or town meeting legislative body established in the alternative form of local government.

(7) "Guideline" means a suggested or recommended standard or procedure to serve as an index of comparison and is not enforceable as a regulation.

(8) "Law" means a statute enacted by the legislature of Montana and approved and signed by the governor or a statute adopted by the people of Montana through statutory initiative procedures.

(9) "Municipality" means an entity ~~which~~ that incorporates as a city or town.

(10) "Office of the municipality" means the permanent location of the seat of government from which the records administrator, or the office of the clerk of the governing body where one is appointed, carries out ~~his~~ the duties of the records administrator.

(11) "Officer" means a person holding a position with a municipality which is ordinarily filled by election or, in those municipalities with a manager, the manager.

(12) "Ordinance" means an act adopted and approved by a municipality, having effect only within the jurisdiction of the local government.

(13) "Person" means any individual, firm, partnership, company, corporation, trust, trustee, assignee or other representative, association, or other organized group.

(14) "Plan of government" means a certificate submitted by a governing body that documents the basic form of government selected, including all applicable suboptions. The plan must establish the terms of all officers and the number of commissioners, if any, to be elected.

(15) "Political subdivision" refers to a local government, authority, school district, or multicounty agency.

(16) "Population" means the number of inhabitants as determined by an official federal, state, or

local census or official population estimate approved by the department of commerce.

(17) "Printed" means the act of reproducing a design on a surface by any process as defined by 1-1-203(3).

(18) "Public agency" means a political subdivision, Indian tribal council, state or federal department or office, or the Dominion of Canada or any provincial department or office or political subdivision ~~thereof~~.

(19) "Public property" means any ~~and all~~ property owned by a municipality or held in the name of a municipality by any of the departments, boards, or authorities of the local government.

(20) "Real property" means lands, structures, buildings, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term "real property", including not only fee simple absolute but also all lesser interests such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.

(21) "Reproduced" means the act of reproducing a design on any surface by any process.

(22) "Resolution" means a statement of policy by the governing body or an order by the governing body that a specific action be taken.

(23) "Service" means an authorized function or activity performed by local government.

(24) "Structure" means the entire governmental organization through which a local government carries out its duties, functions, and responsibilities."

Section 3. Section 7-1-4127, MCA, is amended to read:

"7-1-4127. Publication of notice -- content -- proof. (1) When a municipality is required to publish notice, ~~publications shall~~ publication must be in a newspaper, except that in a municipality with a population of 500 or less or in which no newspaper is published, publication may be made by posting in three public places in the municipality which have been designated by ordinance.

(2) The newspaper ~~shall~~ must be:

(a) of general paid circulation with a second-class mailing permit;

(b) published at least once a week; and

(c) published in the county where the municipality is located~~;~~.

~~(d)~~(3) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

~~(3)~~(4) In a county where no newspaper meets these qualifications, publication ~~shall~~ must be made in a qualified newspaper in an adjacent county.

~~(4)~~(5) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(6) The notice must be published twice, with at least 6 days separating each publication.

(7) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring notice by publication.

(8) A published notice required by law may be supplemented by:

(a) a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107; or

(b) publication on the internet world wide web, popularly known as a "website", used by the municipality.

(9) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice."

Section 4. Section 7-1-4149, MCA, is amended to read:

"**7-1-4149. Applicability.** (1) Except as provided in subsection (2), a provision of 7-1-4121 through 7-1-4127 and 7-1-4129 through 7-1-4148 applies only in the absence of other laws governing the same subject matter.

(2) The governing body may by ordinance adopt the procedures and provisions contained in 7-1-4121 through 7-1-4127 and 7-1-4129 through 7-1-4148 and make them applicable to all proceedings before the body."

Section 5. Section 7-2-2209, MCA, is amended to read:

"**7-2-2209. Hearing and notice on petition.** (1) Upon the filing of ~~such~~ the petition ~~or petitions~~ and ~~affidavits~~ affidavit with the clerk of the board of county commissioners, ~~said~~ the clerk shall ~~forthwith~~ fix

a date to hear the ~~proof of the petitions~~ petition and ~~of~~ any opponents ~~thereto, which~~ to the petition. The date must be not later than 30 days after the filing of ~~such~~ the petition with the clerk of ~~said~~ the board.

(2) The county clerk shall also~~, at the same time, designate a newspaper of general circulation published~~ publish a notice as provided in 7-1-2121 in the old counties ~~but not within the proposed new county~~ and also ~~a newspaper of general circulation published~~ within the boundaries of the proposed new county~~, if there be such, in which the county clerk shall order and cause to be published, at least once a week for 2 weeks preceding the date fixed for such hearing, a~~. The notice must be published in substantially the following form:

NOTICE

Notice is hereby given that a petition has been presented to the board of county commissioners of .... County (naming the county represented by the board of county commissioners with which ~~said~~ the petition was filed), ~~praying for~~ requesting the formation of a new county out of portions of .... County and .... County (naming the county or counties of which it is proposed to form the new county), and that ~~said~~ the petition will be heard by the board of county commissioners at its place of meeting (designating the city or town and the day and hour of the meeting ~~to be so held~~), when and where all persons interested may appear and oppose the granting of ~~said~~ the petition and make any objections ~~thereto~~ to the petition.

Dated .... at ...., Montana....., County Clerk"

Section 6. Section 7-2-2505, MCA, is amended to read:

"7-2-2505. Publication ~~and posting~~ of copies of petition. Upon the filing of the petition ~~as aforesaid~~, the clerk of the district court, upon the receipt of the cost from any voter in the county, shall ~~cause a copy of the same to be published for 4 successive weeks in some newspaper published in the county, and a copy of such petition must be posted at three of the most public places in the county for a like period by the clerk of the district court~~ publish a copy of the petition as provided in 7-1-2121. Proofs must be made of ~~such~~ the publication ~~and posting~~ before the petition can be considered and before a date for the hearing ~~thereon~~ on the petition may be fixed by the court."

Section 7. Section 7-2-2602, MCA, is amended to read:

"7-2-2602. Filing of petition -- notice and hearing. (1) A petition for removal of a county seat must be filed with the county clerk.

(2) The county clerk, immediately upon the filing of ~~said~~ the petition, ~~must cause to be printed in every newspaper published within said county a notice to the effect that a petition praying for the removal of said county seat has been filed with the county clerk, that said petition is open to the inspection of any and all persons interested therein, and that said petition will be presented to the board of county commissioners at its next regular session for action thereon~~ shall publish a notice as provided in 7-1-2121. The notice must state that the petition is open to inspection in the office of the county clerk.

(3) ~~No~~ Any other or additional petition than the one originally filed ~~shall~~ may not be considered by the board."

Section 8. Section 7-2-4312, MCA, is amended to read:

"7-2-4312. Resolution of intent by city or town -- notice. When, in the judgment of any city or town council, expressed by a resolution that is passed and adopted, it is in the best interest of the city or town and the inhabitants of any contiguous platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed that the boundaries of the city or town be extended to include the platted tracts or parcels of land or unplatted land within the corporate limits of the city or town, the city or town clerk shall:

(1) immediately notify, in writing, all registered voters in the territory to be embraced; and

(2) ~~cause~~ publish a notice ~~to be published in the newspaper published nearest the platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed, at least once a week for 2 successive weeks~~ as provided in 7-1-4127."

Section 9. Section 7-2-4708, MCA, is amended to read:

"7-2-4708. Notice of hearing. ~~(1)~~ The notice of public hearing ~~shall~~ must:

~~(a)~~(1) ~~fix the date, hour, and place of the public hearing~~ be published as provided in 7-1-4127;

~~(b)~~(2) describe clearly the boundaries of the area under consideration; and

~~(c)~~(3) state that the report required in 7-2-4731 will be available in the office of the municipal official designated by the governing body at least 14 days prior to the date of the public hearing.

~~(2) Such notice will be given by publication in a newspaper having general circulation in the municipality once a week for at least 4 successive weeks prior to the date of the hearing. The date of the last publication shall not be more than 7 days preceding the date of the public hearing. If there is no such~~

~~newspaper, the municipality shall post the notice in at least five public places within the municipality and at least five public places in the area to be annexed for 30 days prior to the date of public hearing.~~"

Section 10. Section 7-2-4805, MCA, is amended to read:

"**7-2-4805. Resolution of intent to exclude land -- notice.** If ~~said~~ the council by resolution~~, duly and regularly passed and adopted, shall find~~ finds that ~~said~~ the petition is signed by the requisite number of qualified electors of ~~said~~ the city or town or by the owners of not less than three-fourths in value of the territory to be excluded, that the territory petitioned to be excluded is within the corporate limits and on the border ~~thereof~~ of the corporate limits, and that the granting of ~~said~~ the petition ~~will be to~~ is in the best interest of ~~such~~ the city or town and the inhabitants ~~thereof~~ and will not materially mar the symmetry of ~~such~~ the city or town, the city or town clerk ~~of such city or town~~ shall ~~forthwith cause~~ publish a notice ~~to be published in the newspaper nearest such territory petitioned to be excluded, at least once a week for 2 successive weeks~~ as provided in 7-1-4127."

Section 11. Section 7-3-604, MCA, is amended to read:

"**7-3-604. Meeting agenda.** An agenda of the town meeting and a list of all elective and appointive offices to be filled ~~shall~~ must be prepared by the town ~~chairman~~ presiding officer, who shall ~~post~~ publish the notice ~~at least 2 weeks prior to the convening of all annual and special town meetings~~ as provided in 7-1-4127. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town ~~chairman~~ presiding officer shall insert a particular item or items in the agenda for the next annual or special town meeting. The town meeting agenda may include an item entitled "other business" under which any matter may be considered by the town meeting, except ~~no~~ any matter dealing with finance or taxation ~~shall~~ may not be considered under "other business"."

Section 12. Section 7-5-2502, MCA, is amended to read:

"**7-5-2502. Vacation of portion of village or townsite.** (1) When only a portion of any village or townsite in any unincorporated village or town is sought to be vacated or excluded ~~therefrom~~ from the village or townsite and ~~said~~ the portion is not less than three blocks in area and is situated at the limits or boundaries of ~~said~~ the village or townsite, a verified petition may be filed in the office of the clerk of the district court of the county where ~~said~~ the village or townsite is situated by the owner or owners of

all the property sought to be vacated or excluded. The petition ~~shall~~ must be addressed to the district court of the county, setting forth the description of the portion sought to be excluded and the reason or reasons for desiring ~~such~~ the portion to be excluded. A citation ~~shall thereupon~~ must be issued by the judge of the court before whom ~~said~~ the matter is pending, citing all persons interested in ~~said~~ the matter to appear before ~~said~~ the court at a time and place specified in ~~said~~ the citation, but at a time not less than 3 weeks from the date of ~~said~~ the citation. The citation ~~shall~~ must be published ~~in a newspaper of regular circulation in the county or, if no such newspaper is in said county, then in such a newspaper located in an adjoining county of the state. The citation shall be published once a week for 2 successive weeks before the date of said hearing~~ as provided in 7-1-2121.

(2) Upon the hearing of ~~said~~ the petition and upon conditions that may seem reasonable, the court may vacate and exclude the portion of ~~said~~ the village or townsite as ~~prayed for~~ requested in ~~said~~ the petition, including any streets, alleys, parks, or boulevards upon which ~~no~~ a public easement or easements ~~shall~~ may not vest. ~~Such~~ The excluded property ~~shall~~ must be described by metes and bounds in the decree of the court, and ~~said~~ the property ~~shall~~ must be assessed accordingly."

Section 13. Section 7-5-4202, MCA, is amended to read:

"7-5-4202. Incorporation of technical codes by reference. (1) The governing body of an incorporated city or town may adopt technical building, zoning, health, electrical, fire, and plumbing codes in whole or in part by reference.

(2) ~~At least 15 days prior to final action by a governing body of the city or town,~~ The notice of intent to adopt a technical code in whole or in part by reference ~~shall~~ must be published ~~in a newspaper of general circulation in the city or town~~ as provided in 7-1-4127. A copy of the code or part to be adopted ~~shall~~ must be filed with the clerk of the city or town for inspection by the public.

(3) If a technical code or part of a code is adopted by reference, a record in "The Ordinance Book" may be made by recording the ordinance without setting forth the provisions of the code or part of a code adopted."

Section 14. Section 7-5-4302, MCA, is amended to read:

"7-5-4302. Competitive, advertised bidding required for certain purchase and construction contracts. (1) Except as provided in 7-5-4303 or 7-5-4310, all contracts for the purchase of any

automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies of any kind in excess of $20,000 or for construction, repair, or maintenance in excess of $25,000 must be let to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be ~~made in the official newspaper of the city or town if there is an official newspaper, and if not, it must be made in a daily newspaper of general circulation published in the city or town if there is a newspaper. If there is no newspaper, the advertisement must be made by posting in three of the most public places in the city or town. The advertisement, if by publication in a newspaper, must be made once each week for 2 consecutive weeks~~ published as provided in 7-1-4127, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may postpone action on any contract until the next regular meeting after bids are received in response to the advertisement and may reject any bids and readvertise as provided in this section."

Section 15. Section 7-6-2316, MCA, is amended to read:

"**7-6-2316. Notice of hearing on county proposed budget -- exception.** (1) The board of county commissioners shall ~~cause~~ publish a notice ~~to be published~~ stating that:

(a) the board has completed its county proposed budget for the current fiscal year;

(b) the budget is open to inspection in the office of the county clerk and recorder;

(c) the board will meet to fix the final budget and make appropriations, stating the date, time, and place of the meeting; and

(d) any taxpayer or resident of the county may appear and be heard for or against any part of the budget.

(2) The notice must be published ~~two times, once each week, in a newspaper of general circulation in the county~~ as provided in 7-1-2121.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Section 16. Section 7-6-2320, MCA, is amended to read:

"**7-6-2320. Final budget -- approval, adoption, and amendment -- exception.** (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, must set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the cash balance in the fund at the close of the preceding fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

(2) The board shall then by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the board.

(3) (a) Subject to compliance with the procedures set forth in subsection (4), the board may approve and adopt a resolution amending a final budget when:

(i) shortfalls in anticipated and budgeted revenues occur that, unless reductions in appropriations are made, will result in expenditures for the year exceeding actual revenues and cash balances available for the year; or

(ii) savings result from unanticipated adjustments in projected expenditures.

(b) Amended appropriations must be classified as:

(i) salaries and wages;

(ii) maintenance and operation;

(iii) capital outlay;

(iv) interest and debt redemption; or

(v) miscellaneous.

(4) Prior to amending a final budget, the board shall:

(a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the resolution amending the budget; and

(b) publish notice~~, at least once, in a newspaper of general circulation in the county at least 6 but not more than 16 days~~ as provided in 7-1-2121 before the hearing on the budget amendments. The published notice must specify the date, time, place, and subject of the hearing.

(5) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Section 17. Section 7-8-101, MCA, is amended to read:

"7-8-101. Authorization to transfer property between certain governmental entities. (1) A county, upon first passing a resolution of intent to do so and upon giving notice of ~~such~~ intent by publication as provided in 7-1-2121, ~~shall have power to~~ may sell or trade to any city, town, or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, ~~which~~ that is not necessary for the conduct of the county business~~,~~ without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, ~~shall~~ must be distributed according to law. ~~Such~~ The transactions ~~shall~~ must be made by resolution of the county commissioners involved and entered in the minutes of the regular or special meetings.

(2) A city or town, upon first passing a resolution of intent to do so and upon giving notice of ~~such~~ the intent by publication ~~once a week for 3 weeks in a newspaper published in such city or town or county in which located~~ as provided in 7-1-4127, ~~shall have power to~~ may sell or trade to any county or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, ~~which~~ that is not necessary for the conduct of the city or town business~~,~~ without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, ~~shall~~ must be distributed according to law. ~~Such~~ The transactions ~~shall~~ must be made by resolution of the councils or commissions involved and entered in the minutes of the regular or special meetings.

(3) (a) A county ~~shall have power to~~ may trade with or purchase from any city, town, or political subdivision ~~such~~ any property without an appraisal of the property traded or purchased.

(b) A city or town ~~shall have power to~~ may trade with or purchase from any county or political subdivision ~~such~~ any property without an appraisal of the property traded or purchased."

Section 18. Section 7-8-2217, MCA, is amended to read:

"7-8-2217. Procedure for sale of property of lesser value. (1) If the property to be sold is ~~reasonably of a value of~~ valued at less than $2,500, ~~sale thereof~~ it may be ~~had~~ sold at either a public or private sale~~,~~ as ~~in the discretion of~~ the board of county commissioners ~~may appear~~ determines to be to the best interests of the county.

(2) If ~~it be~~ the property is sold at public sale, notice ~~shall~~ must be given ~~by posting in five public places in the county at least 5 days before the date of sale~~ as provided in 7-1-2121."

Section 19. Section 7-8-2302, MCA, is amended to read:

"7-8-2302. Notice of disposal of tax-deed lands. (1) Notice of the sale, donation, or retention of tax-deed lands provided for in 7-8-2301 must be given by publication as provided in 7-1-2121 ~~and must also be posted in at least three public places in the county~~.

(2) The ~~posted and published~~ notice must be signed by the county clerk~~,~~ and ~~the published notice~~ must include a list of all lands to be sold, donated, or retained, the fair market value of the lands as determined and fixed by the department of revenue, and the time and place of sale, donation, or retention. If the land is to be sold, the sales price as determined under 7-8-2301 must be stated in the published notice of sale."

Section 20. Section 7-12-1112, MCA, is amended to read:

"7-12-1112. Resolution of intention to create or expand district -- notice. (1) Before creating or expanding a district, the governing body shall pass a resolution of intention to do so, designating the boundaries ~~thereof~~ of the district.

(2) Notice of passage of the resolution must be published ~~for 5 days in a daily newspaper or in one issue of a weekly paper published in the municipality or county or, in case no newspaper is published in the municipality or county, then by posting for 5 days in three public places in the municipality or county~~ as provided in 7-1-2121. A copy of the notice ~~shall~~ must be mailed to every owner of real property within the proposed district or within the proposed area of expansion listed on the last completed assessment roll for state, county, and school district taxes, at the owner's last-known address, on the same day the notice is first published or posted.

(3) The notice must describe the general purpose of the district or the general reason for the expansion and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the creation of the district or the expansion of the existing district. The notice ~~shall~~ must refer to the resolution on file with the governing body or clerk, if any, for the description of the boundaries.

(4) The resolution to expand a district deals only with the question of the expanded area, and the existing district does not have to be reestablished."

Section 21. Section 7-12-2132, MCA, is amended to read:

"**7-12-2132. Advertising for bids.** A notice inviting proposals and referring to specifications on file with the engineer selected ~~as hereinbefore provided shall~~ must be published ~~at least twice in a daily, semiweekly, or weekly newspaper published and circulated nearest to the boundaries of the proposed improvement district. The paper shall be designated by the board of county commissioners for that purpose. A copy of said notice shall be posted in at least three public places within the boundaries of the proposed district~~ as provided in 7-1-2121."

Section 22. Section 7-12-4141, MCA, is amended to read:

"**7-12-4141. Bid for work -- exception.** (1) Except as provided in subsection (4), the city council may call for bids or proposals for several kinds and types of materials for the improvements proposed to be made under this part and part 42, reserving the right to select the kind or type of material to be used in making the improvements after the bids or proposals have been opened, examined, and declared.

(2) Notice inviting proposals and referring to the specifications on file must be published ~~at least twice in a daily, semiweekly, or weekly newspaper published and circulated in the city and designated by the council for that purpose, and in case there is no newspaper published in the city, then it must be posted in at least three public places~~ as provided in 7-1-4127.

(3) The time fixed for the opening of bids may not be less than 5 days or more than 12 days from the time of the final publication of the notice. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for opening bids. The proposals or bids offered must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. The proposals or bids must be delivered to the clerk of the city council.

(4) If the proposed improvement is the conversion of overhead utilities to an underground location, the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

Section 23. Section 7-12-4177, MCA, is amended to read:

"**7-12-4177. Notice of resolution for tax levy -- protest and hearing.** (1) A notice signed by the city clerk, stating that the resolution levying the special assessment to defray the cost of ~~such~~ the improvements is on file in ~~his~~ the city clerk's office and subject to inspection, ~~for a period of 10 days, shall~~

must be:

(a) published ~~at least once in a newspaper published in the city or town~~ as provided in 7-1-4127;

(b) mailed to the owner of each lot, tract, or parcel of land to be assessed. ~~(such~~ The lands must be identified and the mailing address determined from the last completed assessment roll for state, county, and school district taxes~~); and~~.

(c) mailed to ~~such~~ all other persons known to the clerk to have an ownership interest in the property.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption of ~~such~~ the resolution will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be less than 10 days after the final publication and mailing of ~~such~~ the notice."

Section 24. Section 7-12-4254, MCA, is amended to read:

"7-12-4254. Hearing on petition -- notice. (1) Upon the filing of ~~said~~ the petition, the district court or any district court judge ~~thereof~~ shall fix the time for the hearing on ~~said~~ the petition, which ~~shall~~ may not be less than 15 days from the date of filing the petition in ~~said~~ the court.

(2) The district court or any district court judge ~~thereof~~ shall order the clerk of the court to give notice of the filing of ~~said~~ the petition ~~and the date of hearing thereon by publication at least once a week for 2 calendar weeks in a newspaper published or of general circulation in the county where the city or town is situated and also by posting a written or printed copy thereof in at least three public places in each voting precinct of said city or town, the~~ as provided in 7-1-2121. The date of the first publication ~~and posting to be~~ may not be less than 15 days prior to the date fixed for hearing."

Section 25. Section 7-12-4303, MCA, is amended to read:

"7-12-4303. Notice of resolution of intent to create lighting district. (1) Upon having passed the resolution required by 7-12-4302, the council shall give notice of the passage of the resolution of intention. The notice of the passage of the resolution must be published ~~for 5 days in a daily newspaper or in one issue of a weekly newspaper in the city or town or, in case no newspaper is published in the city or town, then by posting for 5 days in three public places in the city or town~~ as provided in 7-1-4127. A copy of the notice must be mailed to every person, firm, or corporation having property within the proposed district, as listed on the current property tax record, at the property owner's address as the

address is listed on the current property tax record, on the same day that the notice is first published or posted.

(2) The notice must describe the general character of the improvement proposed to be made, state the estimated cost of the improvement and the estimated cost of maintaining the lights and supplying the electrical current for the improvement and lights within the district for the first year, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of the improvement or the creation of the district. The notice must refer to the resolution on file in the office of the city clerk for a description of the boundaries."

Section 26. Section 7-12-4329, MCA, is amended to read:

"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution. (1) A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion of the cost of installing and maintaining ~~said~~ the lights and supplying electrical current ~~therefor~~ for the first year as determined by the city or town council is on file in ~~his~~ the city clerk's office subject to inspection ~~for a period of 5 days shall~~, must be published ~~at least once in a newspaper published in the city~~ as provided in 7-1-4127.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption of ~~such~~ the resolution ~~shall~~ will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be less than 5 days after the final publication of ~~such~~ the notice."

Section 27. Section 7-12-4406, MCA, is amended to read:

"7-12-4406. Notice of ordinance for improvements. The city or town clerk must give notice of the introduction of ~~such~~ the proposed ordinance and of the time it will be up for final adoption~~:~~

~~(1) by publication three times in a daily newspaper or in a weekly newspaper for two successive issues in such city or town; or~~

~~(2) if there be no such newspaper, then by posting for at least 10 days in three public places in each of the wards of said city or town~~. The notice must be published as provided in 7-1-4127."

Section 28. Section 7-12-4426, MCA, is amended to read:

"7-12-4426. Notice of resolution for assessment. (1) A notice, signed by the city clerk, stating

that the resolution levying a special assessment or changing the method of assessment to defray the cost of maintenance in the district or districts is on file in the city clerk's office and subject to inspection ~~for a period of 5 days~~, must be published ~~at least once in a newspaper published in the city or town~~ as provided in 7-1-4127.

(2) The notice must state the time and place at which objections to the final adoption of the resolution will be heard by the council and must contain a statement setting out the method of assessment being proposed for adoption or the change in the method of assessment that is being proposed for adoption. The time for the hearing must be ~~not less than~~ at least 5 days after the final publication of the notice."

Section 29. Section 7-12-4502, MCA, is amended to read:

"**7-12-4502. Notice of intention to abandon district.** (1) After the passage of the resolution provided for in 7-12-4501, the city or town clerk shall ~~give~~ publish a notice as provided in 7-1-4127 of ~~such~~ the intention to abandon ~~by one publication in a newspaper published in such city or town at least 10 days prior to the passage of a resolution abandoning the same. In case there is no publication of a newspaper in such city or town, then notice shall be given by the posting of a notice of such intention to abandon in three places within such district to be abandoned~~.

(2) ~~Said~~ The notice ~~shall~~ must specify the boundaries of ~~such~~ the district to be abandoned, the date of the passage of the resolution of intention to abandon, and the date set for the passage of the resolution of abandonment and that unless 40% of the owners in the district file written protest with the clerk of ~~such~~ the city or town before the passage of the resolution, ~~the same~~ it will be passed. ~~Said~~ The notice ~~shall~~ must also set forth, when applicable, that it ~~shall be~~ is the duty of the owners of the property abutting on the street parking district involved to maintain the ~~same~~ property after ~~such~~ the abandonment."

Section 30. Section 7-12-4603, MCA, is amended to read:

"**7-12-4603. Notice of resolution of intent to create a fire hydrant maintenance district.** (1) Upon passing the resolution required by 7-12-4602, the council shall ~~give~~ publish a notice of ~~such~~ the passage. ~~The notice must be published for 5 days in a daily newspaper or, if there is no daily newspaper, in one issue of a weekly newspaper in the city or town. If no newspaper is published in the city or town, notice must be given by posting the notice for 5 days in three public places in the city or town~~ as provided in

7-1-4127. A copy of the notice must be mailed to the last-known address of every person, firm, or corporation having property within the proposed district on the same day the notice is first published or posted.

(2) The notice must describe the general character of the proposed improvement, state the estimated cost of the improvement and the cost of maintaining the hydrants within the district for the first year, and designate the time when and place where the council will hear and pass upon all protests against the establishment of the improvement or the creation of the district. The notice must refer to the resolution on file in the office of the city clerk for a description of the boundaries."

Section 31. Section 7-13-107, MCA, is amended to read:

"**7-13-107. Notice of resolution of intention upon concurrence -- hearing.** (1) If the city or town council concurs in the resolution of the board of county commissioners, the board ~~must~~ shall give notice of the passage of its resolution of intention and of the concurrence ~~therein~~ in the resolution by the city or town council.

(2) The notice must be published ~~for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created. The board shall also cause a copy of such notice to be posted in three public places within the boundaries of such special improvement district~~ as provided in 7-1-2121. A copy of ~~such~~ the notice ~~shall~~ must be mailed to every person, firm, or corporation or the agent of ~~such~~ the person, firm, or corporation owning property within the proposed district, at ~~his~~ the ~~last known~~ last-known place of residence, ~~upon~~ on the same day ~~such~~ the notice is first published ~~or posted~~.

(3) ~~Such~~ The notice must describe the general character of the improvement or improvements ~~so~~ proposed to be made, state the estimated cost ~~thereof~~, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of ~~such~~ the improvements or the creation of ~~such~~ the district. The notice ~~shall~~ must refer to the resolution on file in the office of the county clerk for the description of the boundaries."

Section 32. Section 7-13-114, MCA, is amended to read:

"**7-13-114. Applicable provisions of laws relating to rural improvement districts.** The provisions of 7-12-2101, ~~7-12-2106,~~ 7-12-2107, 7-12-2110, 7-12-2115 through 7-12-2120, 7-12-2131 through

7-12-2140, 7-12-2153, 7-12-2154, 7-12-2161 through 7-12-2165, 7-12-2166(2), 7-12-2168(2), and 7-12-2169 and 7-12-2171 through 7-12-2174 pertaining to rural improvement districts ~~shall likewise~~ apply under the provisions of this part."

Section 33. Section 7-13-126, MCA, is amended to read:

"7-13-126. Notice of resolution to assess and levy tax for making improvements -- protest. (1) A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making ~~such~~ the improvements is on file in the office of the county clerk and is subject to inspection, ~~shall~~ must be published ~~in at least one publication in a newspaper published nearest to where the special improvement is to be made~~ as provided in 7-1-2121.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place in which objections to the final adoption of ~~such~~ the resolution will be heard by the board of county commissioners."

Section 34. Section 7-13-127, MCA, is amended to read:

"7-13-127. Hearing on protest. (1) The time for the hearing on protest ~~shall~~ must be not less than 5 days after the final publication of the notice required by 7-13-126.

(2) At the time ~~so~~ fixed for the hearing, the board of county commissioners shall meet and hear all ~~such~~ objections and for that purpose may adjourn from day to day. The board may by resolution modify ~~such~~ the assessment in whole or in part. A copy of ~~such~~ the resolution, certified by the county clerk, must be delivered to the county treasurer within 2 days after its passage."

Section 35. Section 7-13-145, MCA, is amended to read:

"7-13-145. Hearing and notice on tax levy for operation and maintenance. (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners ~~will~~ shall hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing must be given by the commissioners by publication as provided in 7-1-2121~~, and notice must also be posted in three public places within the district~~."

Section 36. Section 7-13-208, MCA, is amended to read:

"**7-13-208. Notice of resolutions of intention and concurrence -- hearing.** (1) The commissioners ~~must~~ shall give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice ~~shall~~ must be published as provided in 7-1-2121 ~~and shall also be posted in three public places within the boundaries of the proposed district~~.

(3) A copy of the notice ~~shall~~ must be mailed as provided in 7-1-2122 to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

Section 37. Section 7-13-232, MCA, is amended to read:

"**7-13-232. Determination of service charge.** (1) The board may establish, by resolution, rates for service charges, which may not be less than the actual cost of providing services. For solid waste management districts other than joint districts, the rates ~~must be~~ are subject to the approval of the county commissioners.

(2) Service charges may take into account:

(a) the character, kind, and quality of service; and

(b) the cost of providing the service, including but not limited to depreciation and the payment of principal and interest on money borrowed by the district for the acquisition and improvement of facilities and equipment.

(3) (a) Service charges may be assessed per family residential unit or based on:

(i) the size of a vehicle used to dispose of the waste;

(ii) the volume or weight of the waste; or

(iii) the cost, incentives, or penalties applicable to waste management practices.

(b) The service charge assessed to a family residential unit in which a home-based business is operated may not exceed the service charge assessed to a family residential unit without a home-based business unless there is a finding by the solid waste management district or joint district that the family residential unit with a home-based business is generating at least 20% more waste than the average for

family residential units in the district that do not contain home-based businesses.

(4) The initial rate for any solid waste management district or joint district may not exceed the rate provided in the resolution creating the district.

(5) Fees for mobile home park accounts must be paid by the registered owner of each mobile home in the mobile home park.

(6) A notice of intention to enact a resolution to increase rates must be published as provided in ~~7-1-4128~~ 7-1-4127, and the district shall hold a public hearing prior to the meeting at which the resolution is considered."

Section 38. Section 7-13-3005, MCA, is amended to read:

"7-13-3005. Notice of resolution of intention upon concurrence -- hearing. (1) The governing body shall give notice of the passage of its resolution of intention to create the district.

(2) The notice must be published ~~for 10 consecutive days in a daily newspaper published nearest to the place where the district is to be created. The governing body shall also cause a copy of the notice to be posted in three public places within the boundaries of the district~~ as provided in 7-1-2121. A copy of the notice must be mailed to every person, firm, or corporation or the agent of the person, firm, or corporation owning property within the proposed district, at ~~his~~ the last-known place of residence, ~~upon~~ on the same day the notice is first published or posted.

(3) The notice must describe the general character of the improvement or improvements proposed to be made, state the estimated cost, and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district. The notice must refer to the resolution on file in the office of the local government clerk for the description of the boundaries."

Section 39. Section 7-13-3021, MCA, is amended to read:

"7-13-3021. Notice of resolution to assess and levy tax for making improvements -- protest. (1) A notice, signed by the local government clerk and stating that the resolution levying a special assessment to defray the cost of making the improvements is on file in the office of the clerk and is subject to inspection, must be published ~~at least once in a newspaper published nearest to where the special improvement is to be made~~ as provided in 7-1-2121.

(2) The notice must state the time and place in which objections to the final adoption of the resolution will be heard by the governing body."

Section 40. Section 7-13-3023, MCA, is amended to read:

"**7-13-3023. Hearing on protest.** (1) The time for the hearing on protest must be not less than 5 days after the final publication of the notice required by 7-13-126.

(2) At the time fixed for the hearing, the governing body shall meet and hear all objections and for that purpose may adjourn from day to day. The governing body may by resolution modify the assessment in whole or in part. A copy of the resolution, certified by the clerk of the local government, must be delivered to the local government treasurer within 2 days after its passage."

Section 41. Section 7-13-3028, MCA, is amended to read:

"**7-13-3028. Hearing and notice on tax levy for operation and maintenance.** (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the governing body shall hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing must be given by the governing body by publication as provided in 7-1-2121~~, and notice must also be posted in three public places within the district~~."

Section 42. Section 7-13-3043, MCA, is amended to read:

"**7-13-3043. Applicable provisions of laws relating to rural improvement districts.** The provisions of 7-12-2101, ~~7-12-2106,~~ 7-12-2107, 7-12-2110, 7-12-2115 through 7-12-2120, 7-12-2131 through 7-12-2140, 7-12-2153, 7-12-2154, 7-12-2161 through 7-12-2165, 7-12-2166(2), 7-12-2168(2), 7-12-2169, and 7-12-2171 through 7-12-2174 pertaining to rural improvement districts apply to this part unless in conflict with the provisions of this part."

Section 43. Section 7-13-4507, MCA, is amended to read:

"**7-13-4507. Notice of resolutions of intention and concurrence.** (1) The commissioners shall give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and publish a notice that:

(a) describes the local water quality program that would be implemented in the local water quality district;

(b) specifies the initial proposed fees to be charged;

(c) designates the time and place where the commissioners will hear and decide upon protests made against the operation of the proposed district; and

(d) states that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice must be published as provided in 7-1-2121 ~~and must also be posted in three public places within the boundaries of the proposed district~~.

(3) The commissioners shall mail to all owners of proposed fee-assessed units, as listed in the property tax record maintained by the department of revenue, a postcard that identifies the location where the resolution of intention, resolution of concurrence, and protest forms may be obtained."

Section 44. Section 7-14-208, MCA, is amended to read:

"**7-14-208. Notice of hearing.** (1) A notice of the public hearing required by 7-14-207 must be published ~~in a newspaper having general circulation within the proposed transportation district or addition to the district once each week for at least 2 weeks, the last publication to be at least 2 weeks prior to the hearing. If there is not a newspaper having general circulation within the proposed district or addition, the notice of public hearing must be posted in at least three public places within the proposed district for 2 weeks prior to the hearing~~ as provided in 7-1-2121.

(2) The notice must state the time, date, place, and purpose of the hearing and describe the boundaries of the proposed district or addition."

Section 45. Section 7-14-244, MCA, is amended to read:

"**7-14-244. Notice of hearing on question of dissolution of district.** (1) A notice of the hearing required by 7-14-243(2)(a) ~~shall~~ must be published ~~in a newspaper having general circulation in the transportation district once each week for at least 2 weeks, the last publication to be at least 2 weeks before the hearing. If there is no newspaper having general circulation in the district, the notice of the hearing shall be posted in at least three public places in the district for 2 weeks before the hearing~~ as provided in 7-1-2121.

Section 17. Section 7-8-101, MCA, is amended to read:

"**7-8-101. Authorization to transfer property between certain governmental entities.** (1) A county, upon first passing a resolution of intent to do so and upon giving notice of ~~such~~ intent by publication as provided in 7-1-2121, ~~shall have power to~~ may sell or trade to any city, town, or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, ~~which~~ that is not necessary for the conduct of the county business~~,~~ without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, ~~shall~~ must be distributed according to law. ~~Such~~ The transactions ~~shall~~ must be made by resolution of the county commissioners involved and entered in the minutes of the regular or special meetings.

(2) A city or town, upon first passing a resolution of intent to do so and upon giving notice of ~~such~~ the intent by publication ~~once a week for 3 weeks in a newspaper published in such city or town or county in which located~~ as provided in 7-1-4127, ~~shall have power to~~ may sell or trade to any county or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, ~~which~~ that is not necessary for the conduct of the city or town business~~,~~ without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, ~~shall~~ must be distributed according to law. ~~Such~~ The transactions ~~shall~~ must be made by resolution of the councils or commissions involved and entered in the minutes of the regular or special meetings.

(3) (a) A county ~~shall have power to~~ may trade with or purchase from any city, town, or political subdivision ~~such~~ any property without an appraisal of the property traded or purchased.

(b) A city or town ~~shall have power to~~ may trade with or purchase from any county or political subdivision ~~such~~ any property without an appraisal of the property traded or purchased."

Section 18. Section 7-8-2217, MCA, is amended to read:

"**7-8-2217. Procedure for sale of property of lesser value.** (1) If the property to be sold is ~~reasonably of a value of~~ valued at less than $2,500, ~~sale thereof~~ it may be ~~had~~ sold at either a public or private sale as ~~in the discretion of~~ the board of county commissioners ~~may appear~~ determines to be to the best interests of the county.

(2) If ~~it be~~ the property is sold at public sale, notice ~~shall~~ must be given ~~by posting in five public places in the county at least 5 days before the date of sale~~ as provided in 7-1-2121."

Section 19. Section 7-8-2302, MCA, is amended to read:

"7-8-2302. Notice of disposal of tax-deed lands. (1) Notice of the sale, donation, or retention of tax-deed lands provided for in 7-8-2301 must be given by publication as provided in 7-1-2121 ~~and must also be posted in at least three public places in the county~~.

(2) The ~~posted and published~~ notice must be signed by the county clerk~~,~~ and ~~the published notice~~ must include a list of all lands to be sold, donated, or retained, the fair market value of the lands as determined and fixed by the department of revenue, and the time and place of sale, donation, or retention. If the land is to be sold, the sales price as determined under 7-8-2301 must be stated in the published notice of sale."

Section 20. Section 7-12-1112, MCA, is amended to read:

"7-12-1112. Resolution of intention to create or expand district -- notice. (1) Before creating or expanding a district, the governing body shall pass a resolution of intention to do so, designating the boundaries ~~thereof~~ of the district.

(2) Notice of passage of the resolution must be published ~~for 5 days in a daily newspaper or in one issue of a weekly paper published in the municipality or county or, in case no newspaper is published in the municipality or county, then by posting for 5 days in three public places in the municipality or county~~ as provided in 7-1-2121. A copy of the notice ~~shall~~ must be mailed to every owner of real property within the proposed district or within the proposed area of expansion listed on the last completed assessment roll for state, county, and school district taxes, at the owner's last-known address, on the same day the notice is first published or posted.

(3) The notice must describe the general purpose of the district or the general reason for the expansion and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the creation of the district or the expansion of the existing district. The notice ~~shall~~ must refer to the resolution on file with the governing body or clerk, if any, for the description of the boundaries.

(4) The resolution to expand a district deals only with the question of the expanded area, and the existing district does not have to be reestablished."

Section 21. Section 7-12-2132, MCA, is amended to read:

"**7-12-2132. Advertising for bids.** A notice inviting proposals and referring to specifications on file with the engineer selected ~~as hereinbefore provided shall~~ must be published ~~at least twice in a daily, semiweekly, or weekly newspaper published and circulated nearest to the boundaries of the proposed improvement district. The paper shall be designated by the board of county commissioners for that purpose. A copy of said notice shall be posted in at least three public places within the boundaries of the proposed district~~ as provided in 7-1-2121."

Section 22. Section 7-12-4141, MCA, is amended to read:

"**7-12-4141. Bid for work -- exception.** (1) Except as provided in subsection (4), the city council may call for bids or proposals for several kinds and types of materials for the improvements proposed to be made under this part and part 42, reserving the right to select the kind or type of material to be used in making the improvements after the bids or proposals have been opened, examined, and declared.

(2) Notice inviting proposals and referring to the specifications on file must be published ~~at least twice in a daily, semiweekly, or weekly newspaper published and circulated in the city and designated by the council for that purpose, and in case there is no newspaper published in the city, then it must be posted in at least three public places~~ as provided in 7-1-4127.

(3) The time fixed for the opening of bids may not be less than 5 days or more than 12 days from the time of the final publication of the notice. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for opening bids. The proposals or bids offered must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. The proposals or bids must be delivered to the clerk of the city council.

(4) If the proposed improvement is the conversion of overhead utilities to an underground location, the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

Section 23. Section 7-12-4177, MCA, is amended to read:

"7-12-4177. **Notice of resolution for tax levy -- protest and hearing.** (1) A notice signed by the city clerk, stating that the resolution levying the special assessment to defray the cost of ~~such~~ the improvements is on file in ~~his~~ the city clerk's office and subject to inspection, ~~for a period of 10 days, shall~~

must be:

(a) published ~~at least once in a newspaper published in the city or town~~ as provided in 7-1-4127;

(b) mailed to the owner of each lot, tract, or parcel of land to be assessed. ~~(such~~ The lands must be identified and the mailing address determined from the last completed assessment roll for state, county, and school district taxes~~); and~~.

(c) mailed to ~~such~~ all other persons known to the clerk to have an ownership interest in the property.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption of ~~such~~ the resolution will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be less than 10 days after the final publication and mailing of ~~such~~ the notice."

Section 24. Section 7-12-4254, MCA, is amended to read:

"**7-12-4254. Hearing on petition -- notice.** (1) Upon the filing of ~~said~~ the petition, the district court or any district court judge ~~thereof~~ shall fix the time for the hearing on ~~said~~ the petition, which ~~shall~~ may not be less than 15 days from the date of filing the petition in ~~said~~ the court.

(2) The district court or any district court judge ~~thereof~~ shall order the clerk of the court to give notice of the filing of ~~said~~ the petition ~~and the date of hearing thereon by publication at least once a week for 2 calendar weeks in a newspaper published or of general circulation in the county where the city or town is situated and also by posting a written or printed copy thereof in at least three public places in each voting precinct of said city or town, the~~ as provided in 7-1-2121. The date of the first publication ~~and posting to be~~ may not be less than 15 days prior to the date fixed for hearing."

Section 25. Section 7-12-4303, MCA, is amended to read:

"7-12-4303. **Notice of resolution of intent to create lighting district.** (1) Upon having passed the resolution required by 7-12-4302, the council shall give notice of the passage of the resolution of intention. The notice of the passage of the resolution must be published ~~for 5 days in a daily newspaper or in one issue of a weekly newspaper in the city or town or, in case no newspaper is published in the city or town, then by posting for 5 days in three public places in the city or town~~ as provided in 7-1-4127. A copy of the notice must be mailed to every person, firm, or corporation having property within the proposed district, as listed on the current property tax record, at the property owner's address as the

address is listed on the current property tax record, on the same day that the notice is first published or posted.

(2) The notice must describe the general character of the improvement proposed to be made, state the estimated cost of the improvement and the estimated cost of maintaining the lights and supplying the electrical current for the improvement and lights within the district for the first year, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of the improvement or the creation of the district. The notice must refer to the resolution on file in the office of the city clerk for a description of the boundaries."

Section 26. Section 7-12-4329, MCA, is amended to read:

"**7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.** (1) A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion of the cost of installing and maintaining ~~said~~ the lights and supplying electrical current ~~therefor~~ for the first year as determined by the city or town council is on file in ~~his~~ the city clerk's office subject to inspection ~~for a period of 5 days shall~~, must be published ~~at least once in a newspaper published in the city~~ as provided in 7-1-4127.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption of ~~such~~ the resolution ~~shall~~ will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be less than 5 days after the final publication of ~~such~~ the notice."

Section 27. Section 7-12-4406, MCA, is amended to read:

"**7-12-4406. Notice of ordinance for improvements.** The city or town clerk must give notice of the introduction of ~~such~~ the proposed ordinance and of the time it will be up for final adoption~~:~~

~~(1) by publication three times in a daily newspaper or in a weekly newspaper for two successive issues in such city or town; or~~

~~(2) if there be no such newspaper, then by posting for at least 10 days in three public places in each of the wards of said city or town~~. The notice must be published as provided in 7-1-4127."

Section 28. Section 7-12-4426, MCA, is amended to read:

"**7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating

that the resolution levying a special assessment or changing the method of assessment to defray the cost of maintenance in the district or districts is on file in the city clerk's office and subject to inspection ~~for a period of 5 days~~, must be published ~~at least once in a newspaper published in the city or town~~ as provided in 7-1-4127.

(2) The notice must state the time and place at which objections to the final adoption of the resolution will be heard by the council and must contain a statement setting out the method of assessment being proposed for adoption or the change in the method of assessment that is being proposed for adoption. The time for the hearing must be ~~not less than~~ at least 5 days after the final publication of the notice."

Section 29. Section 7-12-4502, MCA, is amended to read:

"**7-12-4502. Notice of intention to abandon district.** (1) After the passage of the resolution provided for in 7-12-4501, the city or town clerk shall ~~give~~ publish a notice as provided in 7-1-4127 of ~~such~~ the intention to abandon ~~by one publication in a newspaper published in such city or town at least 10 days prior to the passage of a resolution abandoning the same. In case there is no publication of a newspaper in such city or town, then notice shall be given by the posting of a notice of such intention to abandon in three places within such district to be abandoned~~.

(2) ~~Said~~ The notice ~~shall~~ must specify the boundaries of ~~such~~ the district to be abandoned, the date of the passage of the resolution of intention to abandon, and the date set for the passage of the resolution of abandonment and that unless 40% of the owners in the district file written protest with the clerk of ~~such~~ the city or town before the passage of the resolution, ~~the same~~ it will be passed. ~~Said~~ The notice ~~shall~~ must also set forth, when applicable, that it ~~shall be~~ is the duty of the owners of the property abutting on the street parking district involved to maintain the ~~same~~ property after ~~such~~ the abandonment."

Section 30. Section 7-12-4603, MCA, is amended to read:

"**7-12-4603. Notice of resolution of intent to create a fire hydrant maintenance district.** (1) Upon passing the resolution required by 7-12-4602, the council shall ~~give~~ publish a notice of ~~such~~ the passage. ~~The notice must be published for 5 days in a daily newspaper or, if there is no daily newspaper, in one issue of a weekly newspaper in the city or town. If no newspaper is published in the city or town, notice must be given by posting the notice for 5 days in three public places in the city or town~~ as provided in

7-1-4127. A copy of the notice must be mailed to the last-known address of every person, firm, or corporation having property within the proposed district on the same day the notice is first published or posted.

(2) The notice must describe the general character of the proposed improvement, state the estimated cost of the improvement and the cost of maintaining the hydrants within the district for the first year, and designate the time when and place where the council will hear and pass upon all protests against the establishment of the improvement or the creation of the district. The notice must refer to the resolution on file in the office of the city clerk for a description of the boundaries."

Section 31. Section 7-13-107, MCA, is amended to read:

"**7-13-107. Notice of resolution of intention upon concurrence -- hearing.** (1) If the city or town council concurs in the resolution of the board of county commissioners, the board ~~must~~ shall give notice of the passage of its resolution of intention and of the concurrence ~~therein~~ in the resolution by the city or town council.

(2) The notice must be published ~~for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created. The board shall also cause a copy of such notice to be posted in three public places within the boundaries of such special improvement district~~ as provided in 7-1-2121. A copy of ~~such~~ the notice ~~shall~~ must be mailed to every person, firm, or corporation or the agent of ~~such~~ the person, firm, or corporation owning property within the proposed district, at ~~his~~ the ~~last known~~ last-known place of residence, ~~upon~~ on the same day ~~such~~ the notice is first published ~~or posted~~.

(3) ~~Such~~ The notice must describe the general character of the improvement or improvements ~~so~~ proposed to be made, state the estimated cost ~~thereof~~, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of ~~such~~ the improvements or the creation of ~~such~~ the district. The notice ~~shall~~ must refer to the resolution on file in the office of the county clerk for the description of the boundaries."

Section 32. Section 7-13-114, MCA, is amended to read:

"**7-13-114. Applicable provisions of laws relating to rural improvement districts.** The provisions of 7-12-2101, ~~7-12-2106,~~ 7-12-2107, 7-12-2110, 7-12-2115 through 7-12-2120, 7-12-2131 through

7-12-2140, 7-12-2153, 7-12-2154, 7-12-2161 through 7-12-2165, 7-12-2166(2), 7-12-2168(2), and 7-12-2169 and 7-12-2171 through 7-12-2174 pertaining to rural improvement districts ~~shall likewise~~ apply under the provisions of this part."

Section 33. Section 7-13-126, MCA, is amended to read:

"**7-13-126. Notice of resolution to assess and levy tax for making improvements -- protest.** (1) A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making ~~such~~ the improvements is on file in the office of the county clerk and is subject to inspection, ~~shall~~ must be published ~~in at least one publication in a newspaper published nearest to where the special improvement is to be made~~ as provided in 7-1-2121.

(2) ~~Such~~ The notice ~~shall~~ must state the time and place in which objections to the final adoption of ~~such~~ the resolution will be heard by the board of county commissioners."

Section 34. Section 7-13-127, MCA, is amended to read:

"**7-13-127. Hearing on protest.** (1) The time for the hearing on protest ~~shall~~ must be not less than 5 days after the final publication of the notice required by 7-13-126.

(2) At the time ~~so~~ fixed for the hearing, the board of county commissioners shall meet and hear all ~~such~~ objections and for that purpose may adjourn from day to day. The board may by resolution modify ~~such~~ the assessment in whole or in part. A copy of ~~such~~ the resolution, certified by the county clerk, must be delivered to the county treasurer within 2 days after its passage."

Section 35. Section 7-13-145, MCA, is amended to read:

"**7-13-145. Hearing and notice on tax levy for operation and maintenance.** (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners ~~will~~ shall hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing must be given by the commissioners by publication as provided in 7-1-2121~~, and notice must also be posted in three public places within the district~~."

Section 36. Section 7-13-208, MCA, is amended to read:

"**7-13-208. Notice of resolutions of intention and concurrence -- hearing.** (1) The commissioners ~~must~~ shall give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice ~~shall~~ must be published as provided in 7-1-2121 ~~and shall also be posted in three public places within the boundaries of the proposed district~~.

(3) A copy of the notice ~~shall~~ must be mailed as provided in 7-1-2122 to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

Section 37. Section 7-13-232, MCA, is amended to read:

"**7-13-232. Determination of service charge.** (1) The board may establish, by resolution, rates for service charges, which may not be less than the actual cost of providing services. For solid waste management districts other than joint districts, the rates ~~must be~~ are subject to the approval of the county commissioners.

(2) Service charges may take into account:

(a) the character, kind, and quality of service; and

(b) the cost of providing the service, including but not limited to depreciation and the payment of principal and interest on money borrowed by the district for the acquisition and improvement of facilities and equipment.

(3) (a) Service charges may be assessed per family residential unit or based on:

(i) the size of a vehicle used to dispose of the waste;

(ii) the volume or weight of the waste; or

(iii) the cost, incentives, or penalties applicable to waste management practices.

(b) The service charge assessed to a family residential unit in which a home-based business is operated may not exceed the service charge assessed to a family residential unit without a home-based business unless there is a finding by the solid waste management district or joint district that the family residential unit with a home-based business is generating at least 20% more waste than the average for

family residential units in the district that do not contain home-based businesses.

(4) The initial rate for any solid waste management district or joint district may not exceed the rate provided in the resolution creating the district.

(5) Fees for mobile home park accounts must be paid by the registered owner of each mobile home in the mobile home park.

(6) A notice of intention to enact a resolution to increase rates must be published as provided in ~~7-1-4128~~ 7-1-4127, and the district shall hold a public hearing prior to the meeting at which the resolution is considered."

Section 38. Section 7-13-3005, MCA, is amended to read:

"7-13-3005. Notice of resolution of intention upon concurrence -- hearing. (1) The governing body shall give notice of the passage of its resolution of intention to create the district.

(2) The notice must be published ~~for 10 consecutive days in a daily newspaper published nearest to the place where the district is to be created. The governing body shall also cause a copy of the notice to be posted in three public places within the boundaries of the district~~ as provided in 7-1-2121. A copy of the notice must be mailed to every person, firm, or corporation or the agent of the person, firm, or corporation owning property within the proposed district, at ~~his~~ the last-known place of residence, ~~upon~~ on the same day the notice is first published or posted.

(3) The notice must describe the general character of the improvement or improvements proposed to be made, state the estimated cost, and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district. The notice must refer to the resolution on file in the office of the local government clerk for the description of the boundaries."

Section 39. Section 7-13-3021, MCA, is amended to read:

"7-13-3021. Notice of resolution to assess and levy tax for making improvements -- protest. (1) A notice, signed by the local government clerk and stating that the resolution levying a special assessment to defray the cost of making the improvements is on file in the office of the clerk and is subject to inspection, must be published ~~at least once in a newspaper published nearest to where the special improvement is to be made~~ as provided in 7-1-2121.

(2) The notice must state the time and place in which objections to the final adoption of the resolution will be heard by the governing body."

Section 40. Section 7-13-3023, MCA, is amended to read:

"**7-13-3023. Hearing on protest.** (1) The time for the hearing on protest must be not less than 5 days after the final publication of the notice required by 7-13-126.

(2) At the time fixed for the hearing, the governing body shall meet and hear all objections and for that purpose may adjourn from day to day. The governing body may by resolution modify the assessment in whole or in part. A copy of the resolution, certified by the clerk of the local government, must be delivered to the local government treasurer within 2 days after its passage."

Section 41. Section 7-13-3028, MCA, is amended to read:

"**7-13-3028. Hearing and notice on tax levy for operation and maintenance.** (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the governing body shall hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing must be given by the governing body by publication as provided in 7-1-2121~~, and notice must also be posted in three public places within the district~~."

Section 42. Section 7-13-3043, MCA, is amended to read:

"**7-13-3043. Applicable provisions of laws relating to rural improvement districts.** The provisions of 7-12-2101, ~~7-12-2106,~~ 7-12-2107, 7-12-2110, 7-12-2115 through 7-12-2120, 7-12-2131 through 7-12-2140, 7-12-2153, 7-12-2154, 7-12-2161 through 7-12-2165, 7-12-2166(2), 7-12-2168(2), 7-12-2169, and 7-12-2171 through 7-12-2174 pertaining to rural improvement districts apply to this part unless in conflict with the provisions of this part."

Section 43. Section 7-13-4507, MCA, is amended to read:

"**7-13-4507. Notice of resolutions of intention and concurrence.** (1) The commissioners shall give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and publish a notice that:

(a) describes the local water quality program that would be implemented in the local water quality district;

(b) specifies the initial proposed fees to be charged;

(c) designates the time and place where the commissioners will hear and decide upon protests made against the operation of the proposed district; and

(d) states that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice must be published as provided in 7-1-2121 ~~and must also be posted in three public places within the boundaries of the proposed district~~.

(3) The commissioners shall mail to all owners of proposed fee-assessed units, as listed in the property tax record maintained by the department of revenue, a postcard that identifies the location where the resolution of intention, resolution of concurrence, and protest forms may be obtained."

Section 44. Section 7-14-208, MCA, is amended to read:

"**7-14-208. Notice of hearing.** (1) A notice of the public hearing required by 7-14-207 must be published ~~in a newspaper having general circulation within the proposed transportation district or addition to the district once each week for at least 2 weeks, the last publication to be at least 2 weeks prior to the hearing. If there is not a newspaper having general circulation within the proposed district or addition, the notice of public hearing must be posted in at least three public places within the proposed district for 2 weeks prior to the hearing~~ as provided in 7-1-2121.

(2) The notice must state the time, date, place, and purpose of the hearing and describe the boundaries of the proposed district or addition."

Section 45. Section 7-14-244, MCA, is amended to read:

"**7-14-244. Notice of hearing on question of dissolution of district.** (1) A notice of the hearing required by 7-14-243(2)(a) ~~shall~~ must be published ~~in a newspaper having general circulation in the transportation district once each week for at least 2 weeks, the last publication to be at least 2 weeks before the hearing. If there is no newspaper having general circulation in the district, the notice of the hearing shall be posted in at least three public places in the district for 2 weeks before the hearing~~ as provided in 7-1-2121.

(2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing."

Section 46. Section 7-14-1102, MCA, is amended to read:

"7-14-1102. Regional port authority. (1) Two or more local governments may by joint resolution create a public body, corporate and politic, to be known as a regional port authority. The resolution creating a regional port authority must create a board of not less than five commissioners. The number to be appointed, their term, and their compensation, if any, must be provided for in the resolution. Each ~~such~~ regional port authority shall organize, select officers for terms to be fixed by agreement, and adopt and amend from time to time rules for its own procedure.

(2) A regional port authority may be increased from time to time to serve one or more additional counties or municipalities if each additional local government, each of the local governments then included in the regional authority, and the commissioners of the regional authority, respectively, adopt a joint resolution consenting ~~thereto~~ to the increase. However, if a local port authority for any local government seeking to be included in the regional authority is then in existence, the commissioners of the local authority must consent to the inclusion of the county or municipality in the regional authority; upon the inclusion of ~~such~~ the local government in the regional authority, all rights, contracts, obligations, and real and personal property of the local authority must be in the name of and vest in the regional authority.

(3) A regional port authority may be decreased if each of the local governments then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities.

(4) A county or municipality may not adopt any resolution authorized by this section without a public hearing ~~thereon~~. Notice must be given ~~at least 10 days prior to the hearing in a newspaper published in the county or municipality or, if there is no newspaper published therein, in a newspaper having general circulation in the county or municipality~~ as provided in 7-1-2121.

(5) For the purpose of this part, a regional port authority has the same powers as all other political subdivisions in the adoption and enforcement of comprehensive port zoning regulations, as provided by the laws of this state."

Section 47. Section 7-14-2403, MCA, is amended to read:

"7-14-2403. Advertisement for bids. Before any contract authorized by 7-14-2402 ~~shall be~~ is let,

the board shall advertise for bids ~~at least once a week for 2 consecutive weeks in a newspaper of general circulation in the county~~ as provided in 7-1-2121."

Section 48. Section 7-14-2616, MCA, is amended to read:

"**7-14-2616. Procedure to discontinue street.** (1) The county commissioners may discontinue a street or alley or any part ~~thereof~~ of a street or alley in an unincorporated town or townsite upon the petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public interest.

(2) Where the street or alley is to be closed for school purposes, a petition signed by 75% of the lot owners on the whole street or alley to be closed ~~will be~~ is required.

(3) Before acting upon ~~such~~ the petition, a notice must be published ~~or posted in three public places~~ as provided in 7-1-2121, stating when ~~such~~ the petition will be acted on and what street or alley or part ~~thereof~~ of a street or alley is asked to be vacated. ~~Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on.~~"

Section 49. Section 7-14-2822, MCA, is amended to read:

"**7-14-2822. Notice of application to operate ferry.** Every applicant for authority to erect and take tolls on a public ferry must publish notice as provided in 7-1-2121, specifying the location and the time when and place where the application will be made~~:~~.

~~(1)~~ Publication must be made in at least one newspaper in each county in which the ferry is or touches or, if there is no newspaper published ~~therein~~ in the county, then in one published in an adjoining county~~; and~~

~~(2) by posting three notices in three public places in the township for 4 successive weeks~~."

Section 50. Section 7-14-2902, MCA, is amended to read:

"**7-14-2902. Creation of road improvement district -- resolutions -- hearing.** (1) The board of county commissioners may establish a road improvement district upon petition of at least 60% of the landowners in the proposed district. The petition must:

(a) describe the boundaries of the proposed district;

(b) describe the proposed improvement;

(c) estimate the total cost of the improvement and suggest the method of making landowner assessments;

(d) if the improvement is a service, such as snowplowing, estimate the length of time the service is to be provided; and

(e) describe the manner of providing the improvement, such as through contract with a private party or local government.

(2) To establish a road improvement district, the board shall:

(a) pass a resolution of intent to form the district. The notice of intent to form the district must:

~~(i) be posted at three places within the proposed district;~~

~~(ii)~~(i) be published as provided in 7-1-2121;

~~(iii)~~(ii) be mailed as provided in 7-1-2122 to every person, firm, or corporation or to the agent of the person, firm, or corporation owning real property within the proposed district listed in the name of the person, firm, or corporation upon the last completed assessment roll for state, county, and school district taxes; and

~~(iv)~~(iii) specify the method or methods by which the costs of the improvements are assessed against property in the district~~;~~.

(b) (i) hold a public hearing no earlier than 30 days or later than 90 days after passage of the resolution of intent;

(ii) accept written protests at the hearing from property owners of the proposed district; and

(iii) receive general protests and comments at the hearing relating to the establishment of the road improvement district and its boundaries, service levels, or any other matter relating to the proposed district; and

(c) pass a resolution creating the road improvement district. The district is created effective 60 days after passage of the resolution unless by that date the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention, protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the road improvement district may establish different boundaries or change the manner in which the area will provide services to its residents. The board may change district boundaries only if all landowners affected by the change were given written notice of the public hearing as provided in subsection ~~(2)(a)(iii)~~ (2)(a)(ii).

(4) The board of county commissioners may alter the boundaries or dissolve a road improvement district, using the same procedures required for the creation of a road improvement district. Any existing indebtedness of a road improvement district that is dissolved remains the responsibility of the owners of benefited property within the district, and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the district."

Section 51. Section 7-14-4114, MCA, is amended to read:

"7-14-4114. Procedure to discontinue streets. (1) The council may discontinue a street or alley or any part ~~thereof~~ of a street or alley in a city or town, if it can be done without detriment to the public interest, upon:

(a) a petition in writing of all owners of lots on the street or alley; or

(b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and

(ii) approval by a majority vote of the council.

(2) Where the street or alley is to be closed for school purposes, the council may discontinue the street or alley upon a petition signed by 75% of the lot owners on the whole street or alley to be closed.

(3) Before acting upon ~~such~~ the petition, a notice must be published ~~or posted in three public places~~, stating when ~~such~~ the petition will be acted on and what street or alley or part ~~thereof~~ of a street or alley is asked to be vacated. ~~Such~~ The notice must be published ~~in a newspaper or posted at least 1 week before the petition is acted on~~ as provided in 7-1-4127."

Section 52. Section 7-14-4712, MCA, is amended to read:

"7-14-4712. Procedure upon receipt of petition from all property owners within proposed district. If a petition for the formation of an improvement district under the provisions of 7-14-4711 is presented to the governing body purporting to be signed by all of the real property owners in the proposed district, exclusive of mortgagees and other lienholders, the governing body, after verifying the ownership and making a finding of the fact, shall adopt a resolution of intention to order the improvement, as provided in 7-12-4104 and 7-12-4117, and may adopt the resolution ordering the improvement pursuant to 7-14-4711 through 7-14-4723 without the publication of the resolution of intention provided for in 7-12-4106. However, if special improvement district bonds are proposed to be issued and secured by the revolving fund, the requirements of 7-12-4106, 7-12-4108 through 7-12-4114, 7-12-4169, 7-12-4189,

7-12-4222, 7-12-4223, and 7-12-4225 must be met by the governing body."

Section 53. Section 7-14-4732, MCA, is amended to read:

"7-14-4732. Procedure upon receipt of petition for creation of offstreet parking district. (1) If a petition for the formation of an improvement district for the leasing, improvement, or operation and maintenance of an offstreet parking site is presented to the governing body purporting to be signed by all of the real property owners in the proposed district, exclusive of mortgagees and other lienholders, the governing body, after verifying the ownership and making a finding of fact, shall adopt a resolution of intention to order the improvement, pursuant to the provisions of 7-12-4104 and 7-12-4117, and may adopt the resolution ordering the improvement pursuant to 7-12-4114 without the publication of the resolution of intention provided for in 7-12-4106. However, if special improvement district bonds are proposed to be issued and secured by the revolving fund, the requirements of 7-12-4106, 7-12-4108 through 7-12-4114, 7-12-4169, 7-12-4189, 7-12-4222, 7-12-4223, and 7-12-4225 must be met by the governing body.

(2) If a petition for the formation of an improvement district for offstreet parking purposes and for the leasing of sites and improvement, operation, and maintenance of sites is signed by the owners of a majority of the frontage of the property proposed to be contained within the limits of the assessment district and is presented to the governing body, the governing body shall adopt a resolution of intention ordering the proposed improvement and publish the resolution pursuant to the provisions of 7-12-4104 and 7-12-4106."

Section 54. Section 7-15-4215, MCA, is amended to read:

"7-15-4215. Notice of hearing on urban renewal plan. (1) The notice required by 7-15-4214(1) ~~shall~~ must be given by publication ~~once each week for 2 consecutive weeks, not less than 10 or more than 30 days prior to the date of the hearing, in a newspaper having a general circulation in the urban renewal area of the municipality~~ as provided in 7-1-4127 and by mailing a notice of ~~such~~ the hearing, not less than 10 days prior to the date of the hearing, to the persons whose names appear on the county treasurer's tax roll as the owners, reputed owners, or purchasers under contracts for deed of the property, at the address shown on the tax roll.

(2) The notice ~~shall~~ must describe the time, date, place, and purpose of the hearing, ~~shall~~ generally

identify the urban renewal area affected, and ~~shall~~ outline the general scope of the urban renewal plan under consideration."

Section 55. Section 7-15-4263, MCA, is amended to read:

"**7-15-4263. Procedure to dispose of property to private persons.** (1) A municipality may dispose of real property in an urban renewal area to private persons only under ~~such~~ reasonable procedures as it shall prescribe or as provided in this section.

(2) (a) A municipality shall by public notice invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area or any part ~~thereof~~ of an urban renewal area.

(b) ~~Such~~ The notice ~~shall~~ must be ~~by publication once each week for 3 consecutive weeks in a newspaper having a general circulation in the community~~ published as provided in 7-1-4127 prior to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance ~~with respect thereto~~ under the provisions of 7-15-4262 through 7-15-4266.

(c) ~~Such~~ The notice ~~shall~~ must identify the area or portion ~~thereof~~ of the area and ~~shall~~ must state that ~~such~~ any further information ~~as~~ that is available may be obtained at ~~such~~ the office ~~as shall be~~ designated in ~~said~~ the notice.

(3) The municipality shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making ~~such~~ the proposals to carry them out. The municipality may accept ~~such~~ those proposals as it ~~deems~~ considers to be in the public interest and in furtherance of the purposes of this part and part 43. Thereafter, the municipality may execute, in accordance with the provisions of 7-15-4262 and 7-15-4264, and deliver contracts, deeds, leases, and other instruments of transfer."

Section 56. Section 7-15-4404, MCA, is amended to read:

"**7-15-4404. Notice of hearing on petition.** The notice required by 7-15-4403 ~~shall~~ must be ~~given~~ published at the city's expense ~~by publishing a notice at least 10 days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the city and said surrounding area or, if there be no such newspaper, by posting such a notice in at least three public places within the city at least 10 days preceding the day on which the hearing is to be held~~ as provided in 7-1-4127."

Section 57. Section 7-16-2442, MCA, is amended to read:

"**7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after an election on the question of dissolving the district. The process of dissolving the district may be initiated by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district adopted by either the county park district commission or the county governing body.

(2) Upon receipt of a petition that has been certified by the county clerk as sufficient under this section or upon the adoption of a resolution of intent, the county governing body shall call a public hearing on the question of dissolving the district and ~~cause~~ publish a notice of the hearing ~~to be published in the official county newspaper~~ as provided in 7-1-2121.

(3) At the public hearing, the county governing body shall hear testimony of interested persons regarding the dissolution of the district. After the public hearing, the county governing body may either submit the question of dissolving the district to the electorate of the district or it may call for a public hearing on the question of altering the boundaries of the district. If the county governing body calls for a public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall publish notice of the hearing ~~in the official county newspaper~~ as provided in 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony at the hearing, the county governing body may submit the question of either dissolving the district or altering the district by withdrawal of specified territory from the district to the electorate of the district.

(4) The question must be submitted by a resolution calling for an election on either dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The county governing body shall schedule the election in conjunction with any other regularly scheduled election. The election on the question must be conducted as provided in Title 13.

(5) The question of withdrawal of territory under this section must be voted on separately by the electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district. The question fails unless a simple majority of those voting on the question in each of the two territories authorize altering the district boundary. If the question passes, the boundary alteration is effective the following January 1. If the question fails, the county governing body shall by resolution call for an election on the question of dissolving the district."

Section 58. Section 7-21-3305, MCA, is amended to read:

"7-21-3305. Notice of rules and days of operation. The rules adopted for the government of the county market, together with a notice of the market days in each week, ~~shall~~ must be published as provided in 7-1-2121 by the county commissioners once in each year ~~in every newspaper printed and published in their respective counties for a period of not less than 2 successive weeks, the first publication thereof to be made not less than 2 weeks~~ prior to the opening of the ~~markets~~ market ~~established hereunder in each county and the future annual publications thereof to be made at such time as may be ordered by the boards of county commissioners~~."

Section 59. Section 7-22-2212, MCA, is amended to read:

"7-22-2212. Notice of hearing. Upon setting a date for the hearing, the governing body shall give notice of the hearing in the following manner:

(1) notice is to be sent by certified mail to each owner of land within the proposed district at the last-known address as shown in the county records; and

~~(2) notice is to be posted in at least three public places within the proposed district; and~~

~~(3)~~(2) notice is to be published as provided in 7-1-2121."

Section 60. Section 7-22-2232, MCA, is amended to read:

"7-22-2232. Dissolution of district. (1) Upon receipt of a petition signed by the owners of at least 51% of the land in the district and after a hearing on the petition, a district may be dissolved by order of the governing body. Notice of the hearing is to be given by ~~posting notice in at least three public places in the district and by~~ publishing notice ~~at least once in a newspaper of general circulation in the district~~ as provided in 7-1-2121. If the governing body finds it to be in the best interest of the district lands and residents to terminate the district, the governing body shall ~~so~~ order the termination.

(2) The dissolution order ~~shall~~ must provide for a termination date and for liquidating the district assets and liabilities. Any money remaining in the district fund after all assets and liabilities have been liquidated ~~shall~~ must be transferred to the county general fund."

Section 61. Section 7-22-2406, MCA, is amended to read:

"7-22-2406. Notice of hearing on petition to create district. (1) The commissioners shall ~~cause~~

mail a notice of the hearing provided for in 7-22-2403 ~~to be mailed as~~ in the manner provided for in 7-1-2122 to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

~~(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.~~

~~(3)~~(2) The commissioners shall ~~also cause~~ publish the notice of the hearing, ~~to be given of the time and place of the hearing and the methods of objection by publication~~ as provided in 7-1-2121, in each county if the district is partly in one county and partly in another county."

Section 62. Section 7-22-2408, MCA, is amended to read:

"7-22-2408. Hearing on petition to create district. (1) At the time fixed for ~~said~~ the hearing, the commissioners shall determine whether or not the petition complies with the requirements ~~hereinbefore~~ set forth in this part and whether or not the notice has been published ~~and~~ or posted as required.

(2) At ~~such~~ the hearing, the board ~~must~~ shall hear all competent and relevant testimony offered in support of or in opposition to ~~said~~ the petition and creation of ~~said~~ the district and shall also consider the written objections to the creation of the district.

(3) Except as provided in 7-22-2409, if the commissioners, upon ~~such~~ the hearing, determine there has been compliance with all of the requirements ~~herein set forth~~, they shall, by an order ~~duly~~ made and entered on their minutes, declare the district created, setting forth the name and boundaries of the district and the description of land contained ~~therein~~ within the district."

Section 63. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall ~~cause~~ mail a notice ~~thereof to be mailed~~ as provided in 7-1-2122 to all nonresident property owners and purchasers under contracts for deed within the district whose addresses are known~~, to be posted in at least three public places within the district, and to be published~~ and publish a notice as provided in 7-1-2121. ~~Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in each~~

~~county.~~"

Section 64. Section 7-33-2102, MCA, is amended to read:

"**7-33-2102. Notice of hearing.** The board shall, within 10 days after the receipt of the petition, give notice of the hearing ~~thereof~~ at least 10 days prior to the hearing:

(1) by mailing a copy of the notice as provided in 7-1-2122 to each freeholder in the district at the address shown in the assessment roll; and

~~(2) by causing notices of the time and place of such hearing to be posted in at least three of the most public places within the area proposed to be established as a fire district; and~~

~~(3)~~(2) by publishing the notice as provided in 7-1-2121."

Section 65. Section 7-33-2125, MCA, is amended to read:

"**7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Adjacent territory that is not already a part of a fire district may be annexed in the following manner:

(a) A petition in writing by the owners of 50% or more of the area of privately owned lands of the adjacent area proposed to be annexed who constitute a majority of the taxpaying freeholders within ~~such~~ the proposed area to be annexed and whose names appear upon the last completed assessment roll ~~shall~~ must be presented to the board of trustees of the district for approval~~, and if~~. If the proposed annexation is approved by the board of trustees, the petition ~~shall~~ must be presented to the board of county commissioners.

(b) At the first regular meeting of the board of county commissioners after the presentation of the petition, the commissioners shall set a date to hold a hearing on ~~such~~ the petition. The date of the hearing may not be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners. The board of county commissioners shall publish notice of the hearing ~~at least once a week for 2 successive weeks in a newspaper published within the county~~ as provided in 7-1-2121.

(2) On the date set for the hearing, the board of county commissioners shall consider the petition and any objections to the annexation. The board shall approve the annexation unless a protest petition signed by a majority of the landowners of the area proposed for annexation is presented at the hearing, in which case the annexation ~~shall~~ must be disapproved.

(3) ~~Such~~ The annexed territory ~~shall become~~ is liable for any outstanding warrant and bonded

indebtedness of the original district."

Section 66. Section 7-34-2162, MCA, is amended to read:

"**7-34-2162. Hearing on petition for dissolution -- notice.** Upon the filing of ~~such~~ the petition, the board of county commissioners shall set a time for hearing the ~~same~~ petition and shall ~~cause~~ publish a notice ~~thereof to be posted in at least three separate public places within said district for at least 2 weeks prior to the hearing. The notice shall also be published~~ of the hearing as provided in 7-1-2121."

Section 67. Section 7-35-2112, MCA, is amended to read:

"**7-35-2112. Notice of hearing on withdrawal.** The board shall~~, at least 30 days prior to the time so fixed,~~ publish a notice of ~~such~~ the hearing ~~for two issues~~ as provided ~~by law~~ in 7-1-2121."

Section 68. Section 15-10-203, MCA, is amended to read:

"**15-10-203. Increase of tax revenue -- advertisement of intention and public hearing required.** (1) A local taxing authority may not budget an increased amount of ad valorem tax revenue in excess of the property tax revenue of the previous fiscal year exclusive of revenue from ad valorem taxation on properties appearing for the first time on the property tax record unless it adopts a resolution to budget additional property tax revenue. Prior to adoption of the resolution, the taxing authority shall hold a public hearing for the purpose of receiving comments on its intention to budget increased property tax revenue. The taxing authority shall advertise notice of the public hearing as specified in subsection (2). The public hearing may be held in conjunction with the tentative budget hearing or any other budget hearing that may be required by law.

(2) The taxing authority shall advertise its intent to budget an increase in property tax revenue in a newspaper meeting the requirements of 7-1-4127, except that the newspaper may not be primarily in the business of publishing legal advertisements. If there is not a newspaper in the county, in addition to being posted as required in 7-1-4127, the advertisement must be published in one or more newspapers of general circulation widely subscribed to by the residents of the county. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must meet the notice requirements of ~~7-1-4128~~ 7-1-4127. The advertisement must be published with at least the following information:

"NOTICE OF BUDGET INCREASE FROM PROPERTY TAXES

The (name of the taxing authority) intends to budget an increase in revenue from property taxation by (percentage of increase in property tax revenue from previous fiscal year) percent.

All concerned persons are invited to attend a public hearing on budgeting the increased property tax revenue to be held on (date and time) at (meeting place).

A decision on budgeting the increased property tax revenue will be made after considering comments made at this hearing.

For further information please contact: (name, address, and phone number of person who can be contacted for further information).""

Section 69. Section 75-2-215, MCA, is amended to read:

"75-2-215. Solid or hazardous waste incineration -- additional permit requirements. (1) Until the department has issued an air quality permit pursuant to 75-2-211 that includes the conditions required by this section, a person may not construct, install, alter, or use a solid or hazardous waste incinerator or a boiler or industrial furnace subject to the provisions of 75-10-406, except as provided in subsection (2).

(2) An existing or permitted solid or hazardous waste incinerator or a boiler or industrial furnace subject to the provisions of 75-10-406 is subject to the provisions of subsection (1) only if it incinerates or uses as fuel or would incinerate or use as fuel solid or hazardous waste in an amount, form, kind, or content that changes the nature, character, or composition of its emissions from its design or permitted operation.

(3) The department may not issue a permit to a facility described in subsection (1) until:

(a) the owner or operator has provided to the department's satisfaction:

(i) a characterization of emissions and ambient concentrations of air pollutants, including hazardous air pollutants, from any existing emission source at the facility; and

(ii) an estimate of emissions and ambient concentrations of air pollutants, including hazardous air pollutants, from the incineration of solid or hazardous waste or the use of hazardous waste as fuel for a boiler or industrial furnace, as proposed in the permit application or modification;

(b) if a license is required pursuant to 75-10-221 or a permit is required pursuant to 75-10-406, the applicant has published, in the county where the project is proposed, at least three notices, in accordance with the procedures identified in 7-1-4127~~(2) and 7-1-4128(2)~~, describing the proposed

project;

(c) if a license is required pursuant to 75-10-221 or a permit is required pursuant to 75-10-406, the department has conducted a public hearing on an environmental review prepared pursuant to Title 75, chapter 1, and, as appropriate, provided additional opportunities for the public to review and comment on the permit application or modification;

(d) the department has reached a determination that the projected emissions and ambient concentrations will constitute a negligible risk to the public health, safety, and welfare and to the environment; and

(e) the department has issued a license pursuant to 75-10-221 or a permit pursuant to 75-10-406, if a license or permit is required. The decision to issue, deny, or alter a permit pursuant to 75-2-211 and this section must be made within 30 days from when the department issues a license pursuant to 75-10-221 or a permit pursuant to 75-10-406 or within 90 days after the receipt of a complete application for a permit or a permit alteration under 75-2-211 and this section, whichever is later.

(4) The department shall require the application of air pollution control equipment, engineering, or other operating procedures as necessary to provide reductions of air pollutants, including hazardous air pollutants, equivalent to or more stringent than those achieved through the best available control technology.

(5) The board may by rule provide for general air quality permits under the provisions of 75-2-211 and this section. The rules must cover numerous similar classes or categories of incinerators and boilers or industrial furnaces.

(6) This section does not relieve an owner or operator of a solid or hazardous waste incinerator or a boiler or industrial furnace that is not included under subsection (1) from the obligation to obtain any permit otherwise required under this chapter or rules implementing this chapter."

NEW SECTION. **Section 70. Repealer.** Sections 7-1-4128, 7-2-2256, 7-12-2106, and 7-12-4107, MCA, are repealed.

- END -

FISCAL NOTE

Bill #: SB0187 **Title:** Standardizing the public notice provisions for local government

Primary Sponsor: John Cobb **Status:** As Introduced

John Cobb

Sponsor signature Date

Chuck Swysgood, Budget Director 1/10/01

Date

Fiscal Summary

	FY2002 Difference	FY2003 Difference
Expenditures:	0	0
Revenue:	0	0
Net Impact on General Fund Balance:	**0**	**0**

Yes	No		Yes	No	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. There will be no additional costs to local governments as a result of this bill, particularly in counties.
2. Municipalities would experience an insignificant increase in advertising costs since the bill requires two publications of notice where municipalities are currently required to make only one publication.
3. If counties or municipalities choose to use radio or television advertising to supplement published notice, advertising cost could increase; however, the amount is not determinable since this is an option and not a requirement and it is unknown which entities may exercise this option.

SB 187

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **VICE CHAIRMAN JOHN C. BOHLINGER**, on January 30, 2001 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: Sen. Dale Mahlum, Chairman (R)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 187, 1/28/2001
SB 190, 1/28/2001
SB 206, 1/28/2001
SB 210, 1/28/2001

Executive Action: SB 21 - Tabled

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON SB 187

Sponsor: **SEN. JOHN COBB, SD 25, AUGUSTA**

Proponents: **Alec Hansen, MT League of Cities/Towns**
Robin Sullivan, Clerk of the Commission, City of Bozeman
Jani McCall, City of Billings
Jane Jelinski, MT Assoc. of Counties
Jim Fall, Executive Director, MT Newspaper Assoc.

Opponents: **None**

Opening Statement by Sponsor:

SEN. JOHN COBB, SD 25, AUGUSTA. This bill would standardize the public notice provisions for local government units, would require a local government unit to publish two notices prior to a public hearing and allow a local government unit to publish a notice on a website as a supplement to a newspaper publication. There are about 100 statutes throughout Title 7 that have noticing requirements. Over the years there have been attempts to standardize these notices. Some require a two week notice and others require four successive weeks, etc. All statutes would be changed to require a notice be given two times with six days separation. Also, a published notice may be supplemented by publication on a local government website.

Proponents' Testimony:

Alec Hansen, MT League of Cities/Towns. His organization supports this bill. Everyone needs to have this standardization.

Robin Sullivan, Clerk of the Commission, City of Bozeman. She gave her testimony and handed in her written comments **EXHIBIT(1)**. She did recommend an amendment. For those cities that have an official website, there could be a place on the website for posting of notices and that would serve as the second notice instead of a second publication in the newspaper. That could save a few dollars for local governments.

Jani McCall, City of Billings. She was in support of the bill and would agree with the amendment previously recommended. The bill as it stands now would double the cost of noticing.

Jane Jelinski, MT Assoc. of Counties. The Assoc. has been waiting for this bill for 16 years. They definitely support the bill. This should stop much of the litigation that cities have had to contend with.

Jim Fall, Executive Director, MT Newspaper Assoc. He gave his testimony and handed in the written copy **EXHIBIT(2)**. He recommended two revisions. He also handed in two letters of support with suggested changes. One was from Choteau Acantha Publishing & Commercial Printing **EXHIBIT(3)** and one from Meagher County News, White Sulphur Springs **EXHIBIT(4)**.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. DUANE GRIMES asked how this bill would affect the small counties. Would they experience difficulties in complying. **Robin Sullivan** did not know if the bill would have an adverse effect on them. She thought there was a provision in the bill that excluded those towns under 500.

SEN. GRIMES further questioned the meaning on page 4, "publication of notice." Did that mean a notice must be continually published for 12 months. **Ms. Sullivan** believed that meant the newspaper must be in existence for 12 months.

Closing by Sponsor:

SEN. COBB closed. He felt that the newspapers were concerned about losing business. The committee could make the decision whether to amend or not.

HEARING ON SB 190

Sponsor: SEN. ROYAL JOHNSON, SD 5, BILLINGS

Proponents: Bob Worthington, CEO, Montana Municipal Insurance Authority (MMIA)
Howard Bailey, MT Schools Group
Steven Fenter, Wells Fargo Trust Co.

Opponents: None

Opening Statement by Sponsor:

SEN. ROYAL JOHNSON, SD 5, BILLINGS. This bill will go to the voters for their approval. Different entities have wanted to use equities in their reserves. It was put on the ballot last election for the State Fund and it passed. This allowed state funds to be invested, up to 25% in equity, by the Board of

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN DALE MAHLUM**, on February 8, 2001 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: Sen. John Cobb (R)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 216, 2/6/2001
SB 265, 2/6/2001
HB 111, 2/6/2001

Executive Action: SB 210 DP; SB 265 DP
SB 66 DPAA; SB 144 DPAA
SB 187 DPAA; SB 190 DPAA
SB 241 DPAA; SB 249 DPAA
SB 206 TABLED

{Tape : 1; Side : A; Approx. Time Counter : 0}

Vote: Motion that **SB 190 AMENDMENT BE ADOPTED carried 10-1 with Elliott voting no.**

Motion/Vote: **SEN. COBB** moved that **SB 190 DO PASS AS AMENDED. Motion carried 10-1 with Elliott voting no.**

EXECUTIVE ACTION ON SB 187

Motion: **SEN. COBB** moved that **SB 187 BE AMENDED EXHIBIT(14).**

Discussion:

SEN. JOHN COBB explained the amendments. There was a question between the newspapers and MACO whether websites should be included. They agreed to take that out. There was one technical correction about not being called 2nd class on page 1, line 30. It states the newspaper must be a general paid circulation of a 2nd class mailing permit. That is supposed to be "periodical" not "2nd class.

Vote: Motion that **SB 187 AMENDMENT BE ADOPTED carried unanimously.**

Motion/Vote: **SEN. COBB** moved that **SB 187 DO PASS AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON SB 206

Motion/Vote: **SEN. COBB** moved that **SB 206 BE TABLED. Motion carried 10-1 with Mahlum voting no.**

EXECUTIVE ACTION ON SB 241

Motion: **SEN. COBB** moved that **SB 241 BE AMENDED EXHIBIT(15).**

Discussion:

SEN. COBB explained the amendment. "The Board of County Commissioners may appoint enforcing officers to supervise and

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on March 13, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Rod Bitney, Vice Chairman (R)

Members Absent: Rep. Michelle Lee (D)

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 265, SB 190, SB 427, SB 187, 3/16/2001

Executive Action: SB 190, SB 144, SB 427, SB 265, SB 187

Rep. Esp to **Sen. Johnson**: **Esp**: The other bills we have dealt with have a statutory limitation in the bill, like 50% of the assessed value. Would you have any objections to having a set rate in this bill. **Sen. Johnson:** I am not sure I can answer that, I think it is 68%, as that is what sticks in my mind. The 60% you are talking about is of the entire county area except for the municipalities. There is 2 different things when you address a county bond. One, the responsibility can encumber the entire population of the county; Two, this bill does not encumber those particular areas that are not included in the bond area.

Rep. Peterson to **Sen. Johnson**: **Peterson**: I am still confused, on Page 2 starting at line 3 it says "bonds issued under this section are legal and valid obligations of the county and the full faith and credit of the county must be irrevocably pledged to the prompt payment of the principal of the bonds and the interest of the bonds when they become due." That would make general obligation bonds better than RSID or others. If full faith and credit of the county is pledged to these, is this not the full taxing power of the county. **Johnson**: I was wrong, you are right, the full county other than the municipalities are responsible for even the parceled out areas.

Rep. Noennig to **Sen. Johnson**: **Noennig**: It is the county less the area of incorporated cities and towns that is responsible for the repayment of these bonds, subject to the taxes. Do I have that right? **Sen. Johnson**: Yes. **Rep. Noennig**: that is incorporated, so the rest of the county is responsible and the tax is levied against those areas that are not incorporated cities and towns. **Sen. Johnson:** Yes, remember part of this bill allows the county to buy equipment and that is one of the reasons for the tax structure. ***{Tape : 2; Side : A; Approx. Time Counter : 7.4 - 21.7}***

Closing by Sponsor: **Sen. Johnson** closed SB 427. I think everyone understands this bill. **Rep. Price** will carry on the house floor.

HEARING ON SB 187

Sponsor: **Senator John Cobb, SD 25**

Proponents: Jane Jelinski, MACO
John Shontz, MT Newspaper Assn.
Rep. Jeff Mangan

Opponents: None

Opening Statement by Sponsor: Sen. John Cobb explained the SB 187. This bill basically requires the public health to publish rules

hearings twice. This bill make the various notice provisions uniform. Each one is different at this time and this will make all the same. Page 4, line 28, if it concerns less than 500 people you can just post the notice and not deal with the media. This bill brings 64 statutes to a uniform notice rule. ***{Tape : 2; Side : A; Approx. Time Counter : 21.7 - 24.7}***

Proponents' Testimony: **Jane Jelinski**, MACO. MACO has wanted a bill like this for many years and it makes it so much easier to have one set of rules. ***{Tape : 2; Side : A; Approx. Time Counter : 24.7 - 27.3}***

John Shontz, MT Newspaper Association.. This law will simplify the notice process and lessen the margin of error. Many times these notice variations have caused non-compliance and then it results in lawsuits. ***{Tape : 2; Side : A; Approx. Time Counter : 27.3 - 28.3}***

Rep. Mangan, I want to go on record as being in support of this bill. ***{Tape : 2; Side : A; Approx. Time Counter : 28.3 - 29}***

Opponents' Testimony: None

Questions from Committee Members and Responses: **Rep. Peterson** asks **Mr. Shontz**. Are you convinced that two times publication is sufficient to comply with the process requirements? **Mr. Shontz**: I think that twice is okay. I did not participate in the discussion that generated this bill. This should be satisfactory for local governments. **Rep. Peterson:** Civil procedures require three publications. My question is are the rules of procedure being complied with? **Mr. Shontz,** Yes, I think it is okay for two notices. ***{Tape : 2; Side : A; Approx. Time Counter : 29 - 30}***

Closing by Sponsor: **Sen. Cobb**, most of the previous requirements are two weeks, but some say consecutive, not more than sixteen days prior, two successive weeks, etc, making the present requirements hard to comply with and understand. **Rep. Mangan** to carry on the house floor. ***{Tape : 2; Side : B; Approx. Time Counter : 0 - 0.5}***

EXECUTIVE ACTION ON SB 190

Motion: **REP. LAWSON** moved that **SB 190 BE CONCURRED IN.**

Discussion: Rep. Esp: I am little excited about who picks up the pieces if something goes wrong. **Rep. Peterson**: I think the local governments are just as capable of overseeing their investments. I don't know that the State would do any better. I don't think they would. When I was city attorney, we were paying close to one-half million dollars for insurance premiums in Billings. I suggested

EXECUTIVE ACTION ON SB 265

Motion/Vote: **REP. LAWSON** moved that **SB 265 BE CONCURRED IN. Motion carried 17-0.** Bitney excused and not voting. Rep. Vick to carry on house floor. ***{Tape : 2; Side : B; Approx. Time Counter : 14 - 17}***

EXECUTIVE ACTION ON SB 187

Motion/Vote: **REP. MANGAN** moved that **SB 187 BE CONCURRED IN. Motion carried 17-0.** Rep. Bitney excused and not voting. Rep. Mangan to carry on house floor. ***{Tape : 2; Side : B; Approx. Time Counter : 17 - 18.9}***